

DIVISION I

ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JOSEPHINE LINKER HART, Judge

CACR05-571

June 28, 2006

JOSHUA BRUMLEY
APPELLANT

APPEAL FROM THE SHARP COUNTY
CIRCUIT COURT
[NO. CR-04-85, CR-04-87]

V.

HONORABLE HAROLD S. ERWIN,
CIRCUIT JUDGE

STATE OF ARKANSAS
APPELLEE

AFFIRMED; MOTION GRANTED

According to the judgment and disposition order filed July 12, 2004, the circuit court placed appellant, Joshua Brumley, on probation for five years after he pleaded guilty to the crimes of Class D felony breaking or entering and Class B felony theft of property. On March 4, 2005, the State filed a petition to revoke appellant's probation, alleging that he had violated the terms and conditions of his probation by incurring additional criminal charges and by failing to report to his probation officer. According to a judgment and commitment order filed April 11, 2005, the circuit court revoked appellant's probation and sentenced him to six years' imprisonment on the breaking or entering and seven years' imprisonment on the theft of property, with the sentences to run concurrently.

On appeal, appellant's counsel has filed a motion and a brief asserting that any appeal of appellant's revocation would be wholly without merit and asking that he be allowed to withdraw as counsel. The requirements for withdrawal of counsel for a defendant in a criminal case are set out in *Anders v. California*, 386 U.S. 738 (1967), and Arkansas

Supreme Court Rule 4-3(j)(1) (2006). Under the rule, when a notice of appeal has been filed and counsel seeks to withdraw on the basis that the appeal is wholly without merit, counsel must submit to this court a brief that contains all circuit-court rulings adverse to appellant and that explains why each adverse ruling is not a meritorious ground for reversal.

After reviewing the record and counsel's brief, abstract, and addendum, we agree that the appeal is wholly without merit. Further, in accordance with Arkansas Supreme Court Rule 4-3(j)(2), appellant was provided a copy of counsel's brief, but he did not, as he was entitled to do under the rule, submit any pro se points for reversal. We hold that counsel has complied with Rule 4-3(j)(1), and accordingly, we affirm appellant's probation revocation and grant counsel's motion to withdraw.

Affirmed; motion to withdraw as counsel is granted.

PITTMAN, C.J., and GRIFFEN, J., agree.